

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2002:

Present

Vote

Donald E. Wiggins, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHOR-
IZE A 400' SELF-SUPPORTING COMMUNICATIONS TOWER WITH
ASSOCIATED GROUND-MOUNTED EQUIPMENT AT YORK HIGH
SCHOOL

WHEREAS, VoiceStream Wireless has submitted Application No. UP-600-02, which requests a special use permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance to authorize construction of a 400-foot freestanding communications tower with associated ground-mounted equipment on the parcel located at 9300 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-2, 24-3, 24-5, and 24-6; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the _____ day of _____, 2002 that Application No. UP-600-02 be, and it is

hereby, approved to authorize construction of a 400-foot freestanding communications tower with associated ground-mounted equipment on the parcel located at 9300 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-2, 24-3, 24-5, and 24-6, subject to the following conditions:

1. This use permit shall authorize the construction of a self-supporting communications tower on 49.6 acres of land located at 9300 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-2, 24-3, 24-5, and 24-6.
2. The height of the tower shall not exceed 400 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of any land clearing or construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the conceptual plan titled "New County Tower (Option A)", prepared by GEM Engineering Company, and dated May 16, 2002, a copy of which is on file in the York County Department of Environmental and Development Services. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

7. The tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennae and comparable antennae for at least two additional users.
8. Advertising or signage other than warning, equipment information, or emergency notification signs on any portion of the tower or accessory facilities shall be prohibited. A sign measuring 6 square feet or less, clearly visible identifying the owner(s) and operator(s) of the communication tower, the telecommunication provider(s) name, and a contact telephone number and address shall be placed on the site at a location acceptable to the County.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is being constructed.
11. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County.
12. The communication tower shall have either a galvanized finish or a similar finish deemed acceptable to the Zoning Administrator. Should the Federal Aviation Administration or the Federal Communications Commission, subsequent to the approval of the use permit, require special finishes which conflict with this requirement, such use permit shall be void until such time as the Board shall have conducted a public hearing. After such hearing, and after considering whether the Federal Aviation Administration or the Federal Communications Commission requirement is appropriate for the subject location, the Board shall either reinstate the use permit, or deny its reissuance.
13. The base of the tower and any accessory structures shall be appropriately landscaped to effectively obscure views from adjacent properties. Existing on-site vegetation shall be preserved to the maximum extent practicable.